



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-R4-ES-2023-0198; FXES11140400000-234-FF04EF4000]

Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Florida Scrub-Jay and Sand Skink; Lake County, FL; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), announce receipt of an application from Founders Ridge Development, LLC and Founders Ridge Development II, LLC (Minneola Town Center) (applicants) for an incidental take permit (ITP) under the Endangered Species Act. The applicants request the ITP to take federally listed Florida scrub-jays (*Aphelocoma coerulescens*) and sand skinks (*Neoseps reynoldsi*) incidental to the construction of a mixed-use development in Lake County, Florida. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and on the Service's preliminary determination that the proposed permitting action may be eligible for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations, the Department of the Interior's (DOI) NEPA regulations, and the DOI Departmental Manual. To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also available for public review. We invite comment from the public and local, State, Tribal, and Federal agencies.

DATES: We must receive your written comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: *Obtaining Documents:* You may obtain copies of the documents online in Docket No. FWS-R4-ES-2023-0198; at <https://www.regulations.gov>.

Submitting Comments: If you wish to submit comments on any of the documents, you may do so in writing by one of the following methods:

- *Online:* <https://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-R4-ES-2023-0198.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS-R4-ES-2023-0198; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Erin Gawera, by U.S. mail (see **ADDRESSES**), by telephone at 904-731-3121 or via email at erin_gawera@fws.gov.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service (Service), announce receipt of an application from Founders Ridge Development, LLC and Founders Ridge Development II, LLC (Minneola Town Center) (applicants) for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicants request the ITP to take federally listed Florida scrub-jays (*Aphelocoma coerulescens*) (scrub-jays) and sand skinks (*Neoseps reynoldsi*) (skinks) incidental to the construction and operation of a mixed-use development in Lake County, Florida. We request public comment on the application, which includes the applicants habitat conservation plan (HCP), and on the Service’s preliminary determination that this proposed ITP qualifies as low-effect, and may qualify

for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations (40 CFR 1501.4), the Department of the Interior's (DOI) NEPA regulations (43 CFR 46), and the DOI's Departmental Manual (516 DM 8.5(C)(2)). To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also available for public review.

Proposed Project

The applicants request a 15-year ITP to take scrub jays and skinks via the conversion of approximately 20.25 acres (ac) of occupied nesting, foraging, and sheltering scrub-jay habitat and 6.82 ac of occupied nesting, foraging, and sheltering skink habitat incidental to the construction and operation of a mixed use development on 325.54 ac on Lake County Property Appraiser Alternate Key Numbers 3839022, 3839020, 3853668, 3853667, and 3839020 in Sections 5 and 6, Township 22 South, and Range 26 East, Lake County, Florida. The applicants propose to mitigate for take of the scrub-jays and skinks through funding contributed in 2008 for a previous ITP (TE137074-0) obtained for this same property. The actions authorized under ITP (TE137074-0) did not occur, however, the mitigation was completed. A total of \$427,242 was provided and approved by USFWS to restore habitat within the Ocala National Forest at a 2:1 ratio for 63.4 ac. This mitigation will now be applied towards the take of scrub-jays on 20.25± ac of occupied scrub-jay habitat and the take of sand skinks on the 6.82± ac of occupied sand skink habitat at a 2:1 ratio. A remaining 9.26± ac of mitigation that was paid for will not be applied to any impact for listed wildlife species.

Our Preliminary Determination

The Service has made a preliminary determination that the applicant's proposed project, including the construction of the mixed-use development and associated infrastructure (e.g., electric, water, and sewer lines), would individually and cumulatively

have a minor or negligible effect on the scrub-jays and sand skink and the environment. Therefore, we have preliminarily determined that the proposed ESA section 10(a)(1)(B) permit would be a low-effect ITP that individually or cumulatively would have a minor effect on the scrub-jay and sand skink and may qualify for application of a categorical exclusion pursuant to the Council on Environmental Quality's NEPA regulations, DOI's NEPA regulations, and the DOI Departmental Manual. A low-effect incidental take permit is one that would result in (1) minor or nonsignificant effects on species covered in the HCP; (2) nonsignificant effects on the human environment; and (3) impacts that, when added together with the impacts of other past, present, and reasonably foreseeable actions, would not result in significant cumulative effects to the human environment.

Next Steps

The Service will evaluate the application and the comments to determine whether to issue the requested permit. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the preceding and other matters, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP number PER0863404 to Founders Ridge Development, LLC and Founders Ridge Development II, LLC (Minneola Town Center).

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made available to the public. While you may request that we withhold your personal identifying information, we cannot guarantee that we will be able to do so.

Authority

The Service provides this notice under section 10(c) of the Endangered Species

Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1500-1508 and 43 CFR 46).

Robert L. Carey,

*Manager, Division of Environmental Review,
Florida Ecological Services Field Office.*

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